



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/837,619      | 04/17/2001  | Edgar Allan Tu       | FUSN1-01106US0      | 8050             |

28554 7590 03/18/2004

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 MARKET STREET, SUITE 540  
SAN FRANCISCO, CA 94105

|          |
|----------|
| EXAMINER |
|----------|

NGUYEN, TAN QUANG

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3661

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/837,619

Applicant(s)

TU, EDGAR ALLAN

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4-45 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This office action is responsive to the amendment filed on December 31, 2003. As per request, claims 4, 17 and 29 have been amended. Thus, claims 4-45 are pending.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

3. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the amended claim 4 recites a method for requesting a geographical information by **an individual** which calls the remote access server to obtain data from a base device owned, operated and/controlled by **the individual**. It does not make sense for the individual who owned the base device to ask the remote server to obtain the data from his/her own base device. Furthermore, the amended claim 4, 17 and 29 do not match with the drawing 1, in which the base device 15 is not owned/operated and/or controlled by the individual 16a or 16b or 16c. Appropriate correction is requested.

5. The remaining claims, not specifically mentioned, are rejected for incorporating the defects from their respective parent claims by dependency.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-37, 39, 40, 42, 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musk et al. (6,148,260) in view of Behr et al. (5,543,789).

8. With respect to claim 4, Musk et al. disclose a method for servicing requests for geographic information which includes the steps of receiving at a remote access server from a user the geographic information and identifies data on database, obtaining the data from the database, and providing the geographical information called for in the request based at least in part on the data (see figures 1, 3 and the related text).

9. Musk et al. do not explicitly disclose that the database is operative coupled for communication with the remote access server via a network. However, Behr et al. suggest a computerized navigation system which includes the communication between the base unit (server) with the other providers (base device) via a network for providing additional information as requested from the user (see at least figure 1, items 12 and 82). Behr et al. also suggest that the user can send the request to obtain the data from a specific base device, i.e. yellow pages information database or traffic advisory information database (see column 9, lines 36-55). It is further noted that the yellow pages information database or traffic advisory information database is owned by an individual. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Behr et al. into the system of Musk et

al. in order to provide the system with the enhanced capability of providing the information requested from the user which is from the other providers (base devices), thereby improving navigation system with the information beyond the map database within the server.

10. With respect to claims 5-16, Musk et al. do disclose the limitations regarding to the first and second locations, providing map and direction between the first and second locations to the user per request (see figures 1, 3, 5, 8 and the related text).

11. With respect to claims 17-36, the limitations of these claims have been noted in the rejections above and the Musk et al. and Behr et al. references. They are therefore considered rejected as set forth above.

12. With respect to claims 37, 40 and 43, it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that the transferring data between the third provider to the server can be secured in order to provide secure access which may be required/desired by either the server or the third provider.

13. With respect to claims 39, 42 and 45, Behr et al. do suggest that the data from the third provider includes information other than a geographic information (see column 9, lines 46-49).

### ***Conclusion***

14. All claims are rejected.

15. Applicant's arguments filed on December 31, 2003 have been fully considered. However, upon the amended claims, new rejection has been set forth as above.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

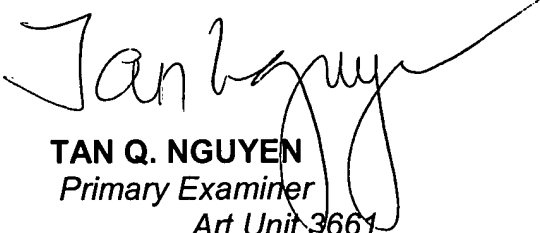
Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Application/Control Number: 09/837,619  
Art Unit: 3661

Page 6

/tqn  
March 15, 2004

  
**TAN Q. NGUYEN**  
*Primary Examiner*  
*Art Unit 3661*

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

|                                 |             |   |                     |
|---------------------------------|-------------|---|---------------------|
| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

|          |
|----------|
| EXAMINER |
|----------|

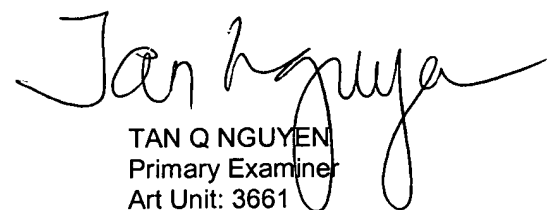
|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

20040315

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

  
TAN Q NGUYEN  
Primary Examiner  
Art Unit: 3661